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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ZOHO CORPORATION,  
  
Plaintiff,  
  
v.  
  
SENTIUS INTERNATIONAL, LLC  
  
Defendant.

CASE NO. 4:19-cv-00001-YGR

**STIPULATION TO STAY CASE  
PENDING *INTER PARTES* REVIEW  
AND ~~[PROPOSED]~~ ORDER**

SENTIUS INTERNATIONAL, LLC,  
  
Counterclaimant,  
  
v.  
  
ZOHO CORPORATION and ZOHO CORPORATION PVT., LTD.  
  
Counter-Defendants.

1 WHEREAS, Defendant and Counterclaimant Sentius International, LLC (“Sentius”) alleges  
2 that Plaintiff and Counter-Defendant Zoho Corporation and Counter-Defendant Zoho Corporation  
3 Pvt. Ltd. (collectively “Zoho”) infringe various claims of U.S. Patent Nos. RE43,633 (“the ’633  
4 Patent”) and 7,672,985 (“the ’985 Patent”).

5 WHEREAS, on October 1, 2020 Apple, Inc. filed a petition for *inter partes* review of the ’985  
6 patent before the Patent Trial and Appeal Board (“PTAB”) of the United States Patent and Trademark  
7 Office, case number IPR2020-01646 (“the Apple IPR”) in which Apple petitioned for *inter partes*  
8 review of all asserted claims of the ’985 patent.

9 WHEREAS, on October 15, 2020, the Court found the asserted claims of the ’633 patent  
10 invalid for lack of written description. Dkt. No. 81 (N.D. Cal. Oct. 15, 2020) (Order Granting Zoho’s  
11 Motion for Partial Summary Judgment).

12 WHEREAS, pursuant to the Patent Statute, the PTAB must decide within approximately six  
13 months whether to institute the IPR of the ’985 patent, and is required under 35 U.S.C. § 316 to issue  
14 a final written decision within 1 year of institution, which may be extended by no more than six  
15 months for good cause shown.

16 WHEREAS, for purposes of judicial economy and to avoid the unnecessary expenditure of  
17 resources, the parties agree this litigation should be stayed immediately and until the USPTO either:  
18 (1) declines to institute *inter partes* review based on Apple’s October 1, 2020 Petition for *Inter Partes*  
19 Review (“IPR Petition”) of the ’985 patent; or (2) in the event an *inter partes* review is instituted,  
20 final exhaustion of the *inter partes* review proceedings including any appeals.

21 WHEREAS, it is within the Court’s inherent authority and discretion to stay the present  
22 litigation, including issues not before the Patent Trial and Appeal Board, as (1) discovery is not  
23 complete and a trial date has not been set; (2) a stay may significantly simplify the issues asserted in  
24 the present matter and clarify issues for the Court; and (3) the Parties have agreed and stipulated that  
25 a stay would best serve the interests of justice and would not unduly prejudice or present a tactical  
26 disadvantage to any nonmoving party. *See, e.g., PersonalWeb Technologies, LLC v. Apple Inc.*, 69 F.  
27 Supp. 3d 1022, 1025 (N.D. Cal. 2014); *see also VirtualAgility Inc. v. Salesforce.com, Inc.*, 759 F.3d  
28 1307, 1309 (Fed. Cir. 2014).

1 WHEREAS, the parties agree that within 10 days of the USPTO's issuance of an institution  
2 decision, the parties shall file a joint status report, including a proposed case schedule should the  
3 USPTO decline to institute *inter partes* review.

4 WHEREAS, the parties agree that in the event an *inter partes* review is instituted, the parties  
5 shall file a joint status report within 10 days after the USPTO issues a final written decision.

6 NOW THEREFORE IT IS HEREBY STIPULATED by the parties, through their respective  
7 counsel, that the present litigation is stayed immediately and in its entirety until the USPTO either (1)  
8 declines to institute *inter partes* review based on Apple's IPR Petition of the '985 patent; or (2) in the  
9 event an *inter partes* review is instituted, final exhaustion of the *inter partes* review proceedings  
10 including any appeals.

1  
2 Dated: November 5, 2020

CARR FERRELL LLP

3 By /s/ Robert J. Yorio  
4 Robert J. Yorio

5 Attorneys for Defendant and Counterclaimant  
6 SENTIUS INTERNATIONAL, LLC

7  
8 Dated: November 5, 2020

MARTON RIBERA SCHUMANN & CHANG LLP

9 By /s/ Ryan J. Marton  
10 Ryan J. Marton

11 Attorneys for Plaintiff and Counter-Defendants  
12 ZOHO CORPORATION and  
13 ZOHO CORPORATION PVT., LTD.

14 **ORDER**

15 **PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.**

16  
17 Dated: November 9, 2020

By:

  
18 Honorable Yvonne Gonzalez Rogers  
19 Judge of the United States District Court  
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**ATTESTATION IN CONCURRENCE OF FILING**

I hereby attest pursuant to Civil L.R. 5-1(i)(3) that concurrence in the filing of this document has been obtained from Plaintiff Sentius International, LLC. I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this 5<sup>th</sup> day of November, 2020, at San Francisco, California.

Dated: November 5, 2020

By: /s/ Ryan J. Marton  
Ryan J. Marton